

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

2025 MAR 14 P 7:57

Frank Staples and Kathleen Bussiere, *Plaintiffs*,

v.

Governor Kelly Ayotte (in her official capacity), et al., *Defendants*.

Case No. 1:24-cv-00331-LM-TSM

PLAINTIFFS' MOTION FOR RECONSIDERATION, REQUEST FOR FINDINGS OF FACT AND RULINGS OF LAW, AND NOTICE OF POTENTIAL INTERLOCUTORY APPEAL

NOW COME Plaintiffs, Frank Staples and Kathleen Bussiere, pro se, and respectfully move this Honorable Court to reconsider its Endorsed Order dated March 6, 2025.

The Court's order fails to provide specific Findings of Fact and Rulings of Law, making it impossible for Plaintiffs to determine the legal or factual basis for the decision. Without such findings, Plaintiffs are deprived of their ability to challenge the ruling effectively, and meaningful appellate review is undermined.

Additionally, the Court has failed to rule on several key procedural filings that directly impact this case, including:

- Plaintiffs' Timely-Filed Objection to Improperly Filed Waivers of Service (Document 9).
- Plaintiffs' Proof of Service Establishing Defendants' Actual Response Deadline (Document 10).
- Plaintiffs' Motion to Strike Improperly Filed Documents 6 & 7 (Document 17).
- Plaintiffs' Additional Procedural Objections (Document 26).

RELIEF REQUESTED

Plaintiffs respectfully request that this Court:

1. Reconsider its March 6, 2025, Endorsed Order to ensure procedural defects are resolved before ruling on dispositive motions.
2. Issue formal Findings of Fact and Rulings of Law regarding Documents 9, 10, 17, and 26 to clarify the basis for the Court's decision.

3. **If the Court refuses to rule on these documents, it must provide formal Findings of Fact and Rulings of Law explaining why it is declining to adjudicate these motions.**
4. **Grant an evidentiary hearing** to resolve procedural issues before substantive rulings are made.
5. **Allow discovery to proceed** while this motion is pending to prevent Defendants from evading accountability.
6. **Take notice that an interlocutory appeal will be necessary** if reconsideration is denied without proper adjudication of these issues.

Failure to resolve these **fundamental procedural errors** before ruling on dispositive motions will result in a **procedurally defective judgment and a denial of due process**.

I. INTRODUCTION

Plaintiffs object to the Court's **failure to provide specific Findings of Fact and Rulings of Law**, which leaves the reasoning behind its order ambiguous and legally unreviewable. The Court's **selective ruling on filings has resulted in procedural unfairness**, where **Defendants' improper filings were granted relief while Plaintiffs' valid objections were ignored**.

Additionally, if the Court intends to continue ignoring Plaintiffs' procedural motions, **due process requires that the Court provide a legal justification for declining to rule on these filings**.

Plaintiffs seek reconsideration to **ensure that pending motions are ruled upon before moving forward** and that the procedural record is corrected before substantive rulings are made.

II. ARGUMENT

A. The Court Must Provide Findings of Fact and Rulings of Law to Ensure Procedural Fairness

A court **must articulate its reasoning in a way that allows for meaningful review**. See *Anderson v. Bessemer City*, 470 U.S. 564, 571 (1985) (holding that findings must be sufficiently detailed to provide understanding of the basis for the decision).

- **Without Findings of Fact and Rulings of Law, Plaintiffs do not know why their motions were ignored or denied.**

- **This lack of explanation violates fundamental due process, making meaningful review impossible.**
- **If the Court refuses to rule on Documents 9, 10, 17, and 26, it must explain why it is declining to do so.**

Plaintiffs respectfully request that the Court **issue detailed Findings of Fact and Rulings of Law to clarify its reasoning.**

B. The Court Must Rule on Pending Procedural Motions Before Adjudicating Dispositive Motions

Federal courts are required to resolve procedural objections **before granting substantive relief.** See *United States v. Taylor*, 487 U.S. 326, 336 (1988); *Rivera-Torres v. Ortiz-Velez*, 341 F.3d 86, 94 (1st Cir. 2003).

- **Defendants' Extension Request (Document 8) was improperly granted before resolving Plaintiffs' timely-filed Objection (Document 9).**
- **Defendants' Motions to Dismiss rely on an improperly obtained extension, making them procedurally defective.**
- **Plaintiffs' Motion to Strike (Document 17), which directly challenges Defendants' improper filings, has also been ignored and remains unrulud upon.**

Without resolving these procedural issues, **any ruling on the Motions to Dismiss will be void.**

C. The Court Has Ignored Plaintiffs' Proof of Service (Document 10) and Improperly Extended Defendants' Deadline

- **Defendants were properly served on December 27, 2023, which was never objected to and is legally binding.**
- **This proper service occurred before the Court ruled on Document 8, which requested a consolidated deadline.**
- **Despite this, the Court granted Defendants an extension based on Documents 6 & 7, which Defendants improperly filed on behalf of Plaintiffs in violation of FRCP 4(d)(1).**
- **By ignoring proper service and granting an extension based on misrepresented filings, the Court has allowed Defendants to manipulate procedural deadlines unfairly.**

The Court must **acknowledge the proper service date and correct the improper extension it granted to Defendants.**

III. CONCLUSION

Plaintiffs respectfully request that this Court:

1. **Vacate or modify its Endorsed Order (March 6, 2025).**
2. **Issue formal Findings of Fact and Rulings of Law** regarding Documents 9, 10, 17, and 26.
3. **If the Court refuses to rule on these documents, it must provide formal Findings of Fact and Rulings of Law explaining why.**
4. **Grant an evidentiary hearing** to fully adjudicate procedural defects.
5. **Strike Defendants' improperly filed waivers of service (Documents 6 & 7).**
6. **Allow discovery to proceed while this motion is pending.**

If reconsideration is denied, **Plaintiffs will file an interlocutory appeal to correct these procedural deficiencies.**

Respectfully Submitted,



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Date: March 14, 2025

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing motion has been served via the Court's CM/ECF system on all counsel of record and via certified mail to any unregistered parties.

A handwritten signature in blue ink, appearing to read 'Frank Staples', with a stylized flourish extending to the right.

Frank Staples

/s/ Kathleen Bussiere (Electronic Signature)